

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

VA- 02-107

In re: 809 Kennedy Street, N.W.

Ward Four (4)

THE BARAC COMPANY
Housing Provider/Appellant/Cross Appellee

v.

TENANTS OF 809 KENNEDY STREET, N.W.
Tenants/Appellees/Cross Appellants

**ORDER ON MOTION FOR LEAVE
TO WITHDRAW AND SUBSTITUTE COUNSEL**

June 24, 2008

EDWARDS, COMMISSIONER. This matter is before the Rental Housing Commission (Commission) pursuant to a notice of appeal filed by the Housing Provider and cross appeal by the Tenants in the above-referenced action. The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. Law 6-10, D.C. OFFICIAL CODE §§ 42-3501.01-3509.07 (2001), the District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-510 (2001), and the District of Columbia Municipal Regulations (DCMR), 14DCMR §§ 3800-4399 (2004), govern the proceedings.

I. PROCEDURAL BACKGROUND

On June 19, 2008, Ann Marie Y. Hay, Counsel for Appelles/Cross Appellants, Tenants of 809 Kennedy Street, N.W., filed the captioned Motion for Leave to Withdraw and for Substitute Counsel, pursuant to 14 DCMR § 3813 (2004). The Motion states that

Ms. Hay is withdrawing as supervising counsel, personally, but not on behalf of the D.C. Law Students in Court Program which will continue to represent the tenants.

The motion further states that Dorene M. Haney, will be the successor supervising attorney with the D.C. Law Students in Court Program. Ms. Haney will be handling the captioned matter. Because there is no actual change in counsel, Ms. Hay asserts that there will be no prejudice to Tenants/Appelles/Cross Appellants.

According to representations in the Motion to Withdraw, in a letter dated June 17, 2008, all tenants were advised of the aforementioned substitution in supervising attorneys.

II. THE LAW

The jurisdiction of the Rental Housing Commission is defined in the Rental Housing Act of 1985. The applicable section of the Act, D.C. OFFICIAL CODE § 42-3502.02 (a)(2) (2001), provides that the Commission has jurisdiction over appeals only from cases before the Rent Administrator under the current and prior Rental Housing Acts, and the Rental Accommodations Act of 1975. See Reid v. Hughes, TP 23,577 (RHC Aug. 31, 1998).

Pursuant to 14 DCM R 3813.1-3813.3 (2004), require all motions to state with specificity the reasons for withdrawal. Notice to all parties affected is mandatory. Moreover, the regulations require the movant to indicate whether clients shall be prejudiced by absence of representation.

Movant has complied with the aforementioned sections of the regulations. Representation of the Tenants/Appellees/Cross Appellants remains uninterrupted, in that the D.C. Law Students In Court Program continues as counsel of record. Only the

supervising attorney is changing. Accordingly, the parties are not prejudiced by staff changes at the program.

Pursuant to 14 DCMR 3813.4 (2004), the Commission is required to act promptly upon motions for application to withdraw.

Accordingly, counsel for Tenants/Appellees /Cross Appellants' motion to withdraw and to substitute counsel is granted.

SO ORDERED.

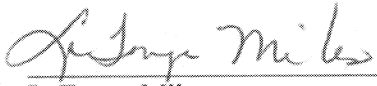

DONATA L. EDWARDS, COMMISSIONER

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER ON MOTION TO WITHDRAW AND SUBSTITUTE COUNSEL in VA 02-107 was mailed by priority mail, with confirmation of delivery; postage prepaid this **24th** day of June, 2008 to:

Ann Marie Hay
Dorene M. Haney
DC Law Students in Court Program
806 7th Street, N.W., Suite 300
Washington, DC 20001

Michael Brand
Loewinger & Brand
471 H Street, NW
Washington, DC 20001


LaTonya Miles
Contact Representative
(202) 442-8949